

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3
4 In the Matter of the Search of:

5 No. 16-MR-382

6 The body of Tom Begaye, Jr.
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11 TELEPHONIC APPLICATION FOR SEARCH WARRANT
12 May 3, 2016
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17 PARTIES ON TELEPHONE CALL:

18 U.S. MAGISTRATE JUDGE B. PAUL BRIONES
19 SPECIAL AGENT MATTHEW T. ROE
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USA v. Tom Begaye, Jr.

Telephonic Application for Warrant
May 03, 2016

1 THE COURT: You had already started the
2 recorder. Shall we start it over again?

3 SPECIAL AGENT ROE: Sure. We can start
4 right now.

5 THE COURT: This is Judge Paul Briones,
6 United States Magistrate Judge in Farmington,
7 New Mexico. Today is May the 3rd, 2016. I'm on the
8 telephone with an FBI agent seeking an oral warrant.

9 Can you please state your name?

10 SPECIAL AGENT ROE: Matthew T. Roe, R-o-e.

11 THE COURT: Thank you. Agent Roe, are you
12 presently recording this conversation?

13 SPECIAL AGENT ROE: Yes, sir.

14 THE COURT: Thank you. I'm going -- I
15 understand that you are prepared to swear out to me
16 facts in support of an oral search warrant; is that
17 correct?

18 SPECIAL AGENT ROE: Yes, sir.

19 THE COURT: Okay. I'll ask that you raise
20 your right hand.

21 Do you swear or affirm the statements that you
22 are about to make to me are true and correct to the
23 best of your knowledge?

24 SPECIAL AGENT ROE: Yes, sir.

25 THE COURT: Thank you. All right. If

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1 you'll go ahead and tell me the facts that you have
2 investigated in support of the search warrant.

3 SPECIAL AGENT ROE: Yes, sir, I will.

4 First of all, my name is Matthew T. Roe. I'm a
5 special agent with the FBI. I've been employed by the
6 FBI for approximately five and a half years. My
7 primary responsibilities are crimes occurring within
8 Indian Country, which include assaults, sexual
9 assaults, and homicides.

10 I am aware that on the date of May 2nd, 2016, an
11 11-year-old female was reported missing by her family
12 members. Later that day, same day, on May 2nd, her
13 brother, who was also reported missing, was found
14 alongside a road by a motorist and brought to Shiprock
15 Navajo PD.

16 On May 3rd, the male juvenile identified a male
17 in a photograph as being the person that picked him and
18 his sister up. That male was later identified as a Tom
19 Begaye, Jr., who was subsequently picked up and
20 interviewed by the FBI.

21 During that interview, Mr. Begaye admitted to
22 sexually assaulting and killing Jane Doe, the
23 11-year-old female, after picking her up.

24 Because of this information above, the subject,
25 Mr. Begaye, was arrested under 18 U.S. Code §1111,

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1 which is homicide; and 18 U.S. Code §1201(a)(2), which
2 is kidnapping; and U.S. Code 18 -- 18 U.S. Code §1153,
3 crimes occurring within Indian Country.

4 Because of the facts stated herein, I am
5 requesting a search warrant for the body of Tom Begaye,
6 Jr., specifically DNA swabbings of Mr. Begaye's penis,
7 buccal swabs, pubic hair samples and fingernail
8 scrapings. And that concludes my facts.

9 THE COURT: Well, thank you. Would you
10 please state the third of the crimes that you are
11 investigating? I heard the murder and kidnapping.
12 What was the third?

13 SPECIAL AGENT ROE: Yes, sir, it was 18 U.S.
14 Code §1153, which is crimes occurring within Indian
15 Country.

16 THE COURT: Oh, yes. Okay.

17 All right. Well, based upon the facts as you've
18 stated them and the crimes that you are investigating,
19 I find probable cause exists for the warrant as
20 requested. I would ask that you, following this
21 conversation, have this tape transcribed and for both
22 you and I to independently review the transcript and
23 confirm that it accurately reflects this conversation.

24 At this point, I'm going to grant you the
25 warrant as you've sought.

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1 That would be all before this court this
2 evening?

3 SPECIAL AGENT ROE: Thank you, sir.

4 THE COURT: Unless you have anything
5 further.

6 SPECIAL AGENT ROE: No, sir.

7 THE COURT: Okay. Thank you very much. You
8 can go ahead and turn off the recorder.

9 SPECIAL AGENT ROE: Thank you.

10 [Telephone call concluded.]
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REPORTER'S CERTIFICATE

I, Jenifer L. Russin, CCR #182, a Certified Court Reporter, do hereby certify that the proceedings of the above-entitled cause were reported by me stenographically on and that the within transcript is a true and accurate transcription of my shorthand notes.

I FURTHER CERTIFY that I am neither an attorney nor counsel for, nor related to or employed by any of the parties to the action, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.



Jenifer L. Russin, CSR RDR CCR
Certified Court Reporter #182
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